



IAP04Rec'd PCT 11 JUL 2008

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Approved for use through 07/31/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/527,882

Filing Date

March 15, 2005

First Named Inventor

Gerd Ascher

Art Unit

1624

Examiner Name

Mark L. Berch

Attorney Docket Number

KS4256US (#90711)

**ENCLOSURES (Check all that apply)**☒ Fee Transmittal Form☒ Fee Attached☒ Amendment/Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Reply to Missing Parts/  
Incomplete Application☐ Reply to Missing Parts  
under 37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a  
Provisional Application☐ Power of Attorney, Revocation☐ Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) \_\_\_\_\_☐ Landscape Table on CD☐ After Allowance Communication to TC☐ Appeal Communication to Board  
of Appeals and Interferences☐ Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please identify  
below):

return postcard receipt

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

D. Peter Hochberg Co., L.P.A.

Signature

Printed name

D. Peter Hochberg

Date

July 7, 2008

Reg. No.

24,603

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Sean Mellino

Date

07/07/2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL**  
**For FY 2008**☐ Applicant claims small entity status. See 37 CFR 1.27**Complete if Known**

|                      |                   |
|----------------------|-------------------|
| Application Number   | 10/527,882        |
| Filing Date          | March 15, 2005    |
| First Named Inventor | Gerd Ascher       |
| Examiner Name        | Mark L. Berch     |
| Art Unit             | 1624              |
| Attorney Docket No.  | KS4256US (#90711) |

TOTAL AMOUNT OF PAYMENT (\$) 210.00

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 08-2441 Deposit Account Name: D. Peter Hochberg Co., L.P.A.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) |                |
| Utility          | 310         | 155                   | 510         | 255                   | 210              | 105                   | 0.00           |
| Design           | 210         | 105                   | 100         | 50                    | 130              | 65                    |                |
| Plant            | 210         | 105                   | 310         | 155                   | 160              | 80                    |                |
| Reissue          | 310         | 155                   | 510         | 255                   | 620              | 310                   |                |
| Provisional      | 210         | 105                   | 0           | 0                     | 0                | 0                     |                |

**2. EXCESS CLAIM FEES**

| Fee Description                                    | Fee (\$) | Small Entity Fee (\$) |
|--|----------|-----------------------|
| Each claim over 20 (including Reissues)            | 50       | 25                    |
| Each independent claim over 3 (including Reissues) | 210      | 105                   |
| Multiple dependent claims                          | 370      | 185                   |

  

| Total Claims    | Extra Claims | Fee (\$) | Fee Paid (\$) |
|-----------------|--------------|----------|---------------|
| 10 - 20 or HP = | 0            | x        | 0.00          |

HP = highest number of total claims paid for, if greater than 20.

| Indep. Claims** | Extra Claims | Fee (\$) | Fee Paid (\$) |
|-----------------|--------------|----------|---------------|
| 6 - 20 or HP =  | 1            | x        | 210.00        |

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$)                       | Fee Paid (\$) |
|--------------|--------------|--|--------------------------------|---------------|
| 100 - 100 =  |              | / 50 =   | (round up to a whole number) x | 260.00 = 0.00 |

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): \_\_\_\_\_

**SUBMITTED BY**

|                   |                          |                                   |                     |           |              |
|-------------------|--------------------------|-----------------------------------|---------------------|-----------|--------------|
| Signature         | <i>D. Peter Hochberg</i> | Registration No. (Attorney/Agent) | 24,603              | Telephone | 216-771-3800 |
| Name (Print/Type) | D. Peter Hochberg        | Date                              | <i>July 7, 2008</i> |           |              |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**For FY 2008**☐ Applicant claims small entity status. See 37 CFR 1.27**Complete if Known**

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| First Named Inventor | Gerd Ascher       |
| Examiner Name        | Mark L. Berch     |
| Art Unit             | 1624              |
| Attorney Docket No.  | KS4256US (#90711) |

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| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|--|----------|---------------|
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Other (e.g., late filing surcharge):

**SUBMITTED BY**

|                   |                          |                                   |                     |           |              |
|-------------------|--------------------------|-----------------------------------|---------------------|-----------|--------------|
| Signature         | <i>D. Peter Hochberg</i> | Registration No. (Attorney/Agent) | 24,603              | Telephone | 216-771-3800 |
| Name (Print/Type) | D. Peter Hochberg        | Date                              | <i>July 7, 2008</i> |           |              |

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CERTIFICATE OF MAILING

I hereby certify that this document is being deposited with the United States Postal Service as First Class mail in an envelope addressed: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450, on the date noted below:

Date: July 7, 2008



Sean Mellino

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Gerd Ascher, et al.  
Serial No. : 10/527,882 / Conf. No. 5833  
Filing Date : March 15, 2005  
Examiner / Group Art Unit : Mark L. Berch / 1624  
Title : CEPHALOSPORINS  
Attorney File : KS4256US (#90711)

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Reply to the Office Action Issued May 5, 2008

Dear Sir:

In response to the Office action dated May 5, 2008, please amend the above identified application without prejudice as follows:

